

ESTTA Tracking number: **ESTTA615357**

Filing date: **07/14/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91216627
Party	Plaintiff bebe studio, inc
Correspondence Address	Gary Bosch corporate counsel 400 Valley Drive Brisbane, CA 94005 UNITED STATES gbosch@bebe.com
Submission	Other Motions/Papers
Filer's Name	Gary Bosch
Filer's e-mail	gbosch@bebe.com
Signature	/Gary Bosch/
Date	07/14/2014
Attachments	Notice of Opp BBLT BEBE LATINA with inadvertent missing page 2 and 3 attached.pdf(790641 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 85/369,155  
For the mark BBLT BEBE LATINA  
Published in the *Official Gazette* on May 6, 2014

bebe studio, inc.,

Opposer,

vs.

Gamaliel Issa Aiza (individual); and Abraham  
Zonana Achar (individual),

Applicant.

Opposition No.

**NOTICE OF OPPOSITION**

Opposer bebe studio, inc., a California corporation, with its principal place of business at 10345 West Olympic Blvd, Los Angeles, CA 90064 believes that it would be damaged by the registration of the mark described below.

Mark:	BBLT BEBE LATINA
Serial No:	85369155
Filing Date:	July 12, 2011
Goods/Services:	Leather and imitations of leather, and goods made of these materials and not included in other classes, namely, handbags, purses and wallets; animal skins; trunks, traveling bags, namely, handbags and purses, backpacks, beach bags, briefcases, chain mesh purses, mesh shopping bags, shopping bags, school bags, bags for sports, wheeled shopping bags; umbrellas, parasols and walking sticks, in International Class 18
Applicant:	Gamaliel Issa Aiza and Abraham Zonana Achar

As grounds for opposition, bebe studio, inc. alleges as follows:

1. Opposer and through its related companies and predecessors (hereinafter collectively “Opposer”), designs, markets and sells, a well-known distinctive line of contemporary women’s apparel, footwear and headgear, as well as handbags, jewelry (namely goods: purses, clutch bags, shoulder bags, tote bags and backpacks), fragrances, eyewear, and other fashion accessories.

2. Opposer owns U.S. trademark Reg. No. 2038435 for the mark BEBE issued on February 18, 1997 in Class 42 based on first use on July 1976 which covers the following services: retail store services for women’s clothing and accessories. This registration is valid and subsisting and has become incontestable under the provisions of Section 15 of the Trademark Act. Attached hereto as Exhibit 1, and made record herein, is a current printout of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of registration.

3. Opposer owns U.S. trademark Reg. No. 1652462 for the mark BEBE issued on July 30, 1991 in Class 25 based on first use on July 1976 which covers the following goods: apparel, namely shirts, blouses, pants, jackets, coats, sweaters, suits and dresses, and accessories, namely belts, scarves and hats. This registration is valid and subsisting and has become incontestable under the provisions of Section 15 of the Trademark Act. Attached hereto as Exhibit 2, and made record herein, is a current printout of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of registration.

4. Opposer owns U.S. trademark Reg. No. 2496624 for the mark BEBE issued on October 9, 2001 in Class 25 based on first use on April 22, 1999 which covers the following goods: Footwear, namely loafers, espadrilles, sandals, thongs, mules and pumps. This registration is

valid and subsisting and has become incontestable under the provisions of Section 15 of the Trademark Act. Attached hereto as Exhibit 3, and made record herein, is a current printout of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of registration.

5. Opposer owns U.S. trademark Reg. No. 2690952 for the mark BEBE issued on February 25, 2003 in Class 25 based on first use on September 30, 1998 which covers the following goods: bras, panties, pajamas slips, robes, pantyhose, camisoles. This registration is valid and subsisting and has become incontestable under the provisions of Section 15 of the Trademark Act. Attached hereto as Exhibit 4, and made record herein, is a current printout of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of registration.

6. Opposer owns U.S. trademark Reg. No. 3339845 for the mark BEBE issued on November 7, 2007 in Class 18 based on first use on June 1, 1994 which covers the following goods: purses, clutch bags, shoulder bags, tote bags and backpacks. This registration is valid and subsisting. Attached hereto as Exhibit 5, and made record herein, is a current printout of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of registration. This registration is valid and subsisting and has become incontestable under the provisions of Section 15 of the Trademark Act.

7. Opposer owns U.S. trademark Reg. No. 2494865 for the mark BEBE issued on October 2, 2001 in Class 14 based on first use on May 1, 1997 which covers the following goods: watches and wristbands. This registration is valid and subsisting and has become incontestable under the provisions of Section 15 of the Trademark Act. Attached hereto as Exhibit 6, and made record herein, is a current printout of information from the electronic database records of

the United States Patent and Trademark Office showing the current status and title of registration.

8. Opposer owns U.S. trademark Reg. No. 2328170 for the mark BEBE issued on March 14, 2000 in Class 14 based on first use on July 1976 which covers the following goods: jewelry, namely earrings, rings, necklaces, pendants and bracelets. This registration is valid and subsisting and has become incontestable under the provisions of Section 15 of the Trademark Act. Attached hereto as Exhibit 7, and made record herein, is a current printout of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of registration.

9. Opposer owns U.S. trademark Reg. No. 2289914 for the mark BEBE issued on November 2, 1999 in Class 9 based on first use on December 15, 1996 which covers the following goods: eyewear. This registration is valid and subsisting and has become incontestable under the provisions of Section 15 of the Trademark Act. Attached hereto as Exhibit 8, and made record herein, is a current printout of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of registration.

10. Opposer owns BEBE marks in addition to those set forth here.

11. Opposer's marks are prior and superior to any rights Applicant may claim in Applicant's mark.

12. Opposer own and operates approximately 200 stores within the United States with yearly sales of approximately \$500 million. Opposer has engaged in large scale e-commerce through both its website and its mobile application, and Opposer has a highly active social media presence.

13. There is a likelihood of confusion between Opposer's BEBE mark and Applicant's BBLT BEBE LATINA mark because they sound alike, look alike, and are used on the same products. Furthermore, Applicant's logo of BBLT BEBE LATINA that it currently uses is the same or substantially similar to Opposer's logo with respect to the word "BEBE".

14. Throughout the widespread use and advertising of its BEBE marks over a long period of time and by virtue of the quality of goods sold in connection with BEBE marks, the BEBE marks have achieved extensive recognition and are famous in the United States and worldwide including Mexico, which could be jeopardized by Applicant's use and registration of BBLT BEBE LATINA. Many celebrities wear BEBE clothing. Further, advertisements for the BEBE mark regularly appear in popular fashion magazines such as *Vogue*, *Elle*, *Glamour*, *Marie Clair* and *InStyle*, and billboards featuring the BEBE mark are displayed in cities across the United States. Applicant's use of the BBLT BEBE LATINA mark would cause a likelihood of dilution and impair the distinctiveness of Opposer's famous BEBE mark, causing irreparable injury and damage to Opposer.

15. The grant of a registration to Applicant for BBLT BEBE LATINA would create statutory rights in Applicant in violation and derogation of the established prior rights of Opposer and would result in detriment, dilution, harm, and damage to Opposer.

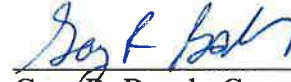
16. WHEREFORE, Opposer prays that application Serial No. 85/369,155 be rejected, that no registration be issued for the mark BBLT BEBE LATINA and this opposition be sustained in its favor.

17. The \$300 fee may be charged to Deposit Account No. 501254.

Dated: May 29, 2004

Respectfully submitted,

bebe studio, inc.



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Gary R. Bosch, Corporate Counsel  
400 Valley Drive  
Brisbane, CA 94005  
415-657-4644

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## **CERTIFICATE OF SERVICE**

I hereby certify that on May 29, 2014 a copy of the foregoing NOTICE OF  
OPPOSITION was sent by first-class mail postage pre-paid to Applicants' Attorney of

Record:

MELISSA S. DILLENBECK  
DRINKER BIDDLE & REATH LLP  
191 N WACKER DR STE 3700  
CHICAGO, ILLINOIS 60606-1615

A handwritten signature in blue ink, appearing to read "Gary R. Bosch", is written over a horizontal line.

Gary R. Bosch

# EXHIBIT 1

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**Typed Drawing**

<b>Word Mark</b>	BEBE
<b>Translations</b>	The English translation of "BEBE" is "Queen in a Persian deck of cards".
<b>Goods and Services</b>	IC 042. US 100 101. G & S: retail store services for women's clothing and accessories. FIRST USE: 19760700. FIRST USE IN COMMERCE: 19761000
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75012867
<b>Filing Date</b>	October 31, 1995
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	November 26, 1996
<b>Registration Number</b>	<b>2038435</b>
<b>Registration Date</b>	February 18, 1997
<b>Owner</b>	(REGISTRANT) Babe, Inc. CORPORATION CALIFORNIA 380 Valley Drive Brisbane CALIFORNIA 94005
	(LAST LISTED OWNER) BEBE STUDIO, INC. CORPORATION CALIFORNIA 860 SOUTH LOS ANGELES ST. SUITE 600 LOS ANGELES CALIFORNIA 90014
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	LISA GATES
<b>Prior Registrations</b>	1652462;1950771
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070925.
<b>Renewal</b>	1ST RENEWAL 20070925
<b>Live/Dead Indicator</b>	LIVE

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# **EXHIBIT 2**



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**Word Mark  
Goods and  
Services**

BEBE

IC 025, US 022 039. G &amp; S: [ MEN'S AND ] WOMEN'S APPAREL, NAMELY, SHIRTS, BLOUSES, PANTS, JACKETS, COATS, SWEATERS, SUITS AND DRESSES; AND ACCESSORIES, NAMELY, BELTS, SCARVES AND HATS. FIRST USE: 19760700. FIRST USE IN COMMERCE: 19761000

**Mark Drawing  
Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Serial Number**

73757935

**Filing Date**

October 17, 1988

**Current Basis**

1A

**Original Filing  
Basis**

1A

**Published for  
Opposition**

October 23, 1990

**Change In  
Registration**

CHANGE IN REGISTRATION HAS OCCURRED

**Registration  
Number**

1652462

**Registration  
Date**

July 30, 1991

**Owner**

(REGISTRANT) BABE, INC. CORPORATION CALIFORNIA 380 VALLEY DRIVE BRISBANE CALIFORNIA 94005

(LAST LISTED OWNER) BEBE STUDIO, INC. CORPORATION CALIFORNIA 10345 WEST OLYMPIC BLVD. LOS ANGELES CALIFORNIA 90064

**Assignment**

ASSIGNMENT RECORDED

**Recorded****Attorney of  
Record**

Larry Smith

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Affidavit Text**

SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110722.

**Renewal**

2ND RENEWAL 20110722

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<b>Word Mark</b>	BEBE
<b>Goods and Services</b>	IC 025. US 022 039. G & S: FOOTWEAR, NAMELY, LOAFERS, ESPADRILLES, SANDALS, THONGS, MULES, PUMPS. FIRST USE: 19990422. FIRST USE IN COMMERCE: 19990610
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75543404
<b>Filing Date</b>	August 27, 1998
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	December 5, 2000
<b>Registration Number</b>	<b>2496624</b>
<b>Registration Date</b>	October 9, 2001
<b>Owner</b>	(REGISTRANT) bebe stores, inc. CORPORATION CALIFORNIA 400 Valley Drive Brisbane CALIFORNIA 94005
	(LAST LISTED OWNER) BEBE STUDIO, INC. CORPORATION CALIFORNIA 860 SOUTH LOS ANGELES ST. #600 LOS ANGELES CALIFORNIA 90014
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Larry Smith
<b>Prior Registrations</b>	1652462;1950771;1992129;2328170;AND OTHERS
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110927.
<b>Renewal</b>	1ST RENEWAL 20110927
<b>Live/Dead</b>	

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**Word Mark**

BEBE

**Translations**

The English translation of the word "bebe" in the mark is the "Queen of hearts" in a Persian deck of cards.

**Goods and Services**

IC 025. US 022 039. G &amp; S: bras, panties, pajamas, slips, [ robes, ] pantyhose, camisoles. FIRST USE: 19980930. FIRST USE IN COMMERCE: 19980930

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Serial Number**

78081700

**Filing Date**

August 29, 2001

**Current Basis**

1A

**Original Filing Basis**

1A

**Published for Opposition**

December 3, 2002

**Registration Number**

2690952

**Registration Date**

February 25, 2003

**Owner**

(REGISTRANT) bebe stores, inc. CORPORATION CALIFORNIA 400 Valley Drive Brisbane CALIFORNIA 94005

(LAST LISTED OWNER) BEBE STUDIO, INC. CORPORATION CALIFORNIA 10345 WEST OLYMPIC BLVD. LOS ANGELES CALIFORNIA 90064

**Assignment Recorded**

ASSIGNMENT RECORDED

**Attorney of Record** Larry Smith**Description of**

**Mark** Color is not claimed as a feature of the mark.  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20130221.  
**Renewal** 1ST RENEWAL 20130221  
**Live/Dead Indicator** LIVE

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# BEBE

<b>Word Mark</b>	BEBE
<b>Goods and Services</b>	IC 018. US 001 002 003 022 041. G & S: Purses, clutch bags, shoulder bags, tote bags and backpacks. FIRST USE: 19940601. FIRST USE IN COMMERCE: 19940605
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78935123
<b>Filing Date</b>	July 21, 2006
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	September 4, 2007
<b>Registration Number</b>	3339845
<b>Registration Date</b>	November 20, 2007
<b>Owner</b>	(REGISTRANT) bebe studio, inc. CORPORATION CALIFORNIA 10345 West Olympic Blvd. Los Angeles CALIFORNIA 90064
<b>Attorney of Record</b>	Gary Bosch
<b>Prior Registrations</b>	2690952
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR).
<b>Live/Dead Indicator</b>	LIVE

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<b>Word Mark</b>	BEBE
<b>Translations</b>	The English translation of "bebe" is "the Queen of Hearts" in a Persian deck of cards.
<b>Goods and Services</b>	IC 014. US 002 027 028 050. G & S: [ CLOCKS, ] WATCHES AND WRISTWATCHES. FIRST USE: 19970501. FIRST USE IN COMMERCE: 19970501
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75740809
<b>Filing Date</b>	June 30, 1999
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	October 3, 2000
<b>Registration Number</b>	<b>2494865</b>
<b>Registration Date</b>	October 2, 2001
<b>Owner</b>	(REGISTRANT) bebe stores, inc. CORPORATION CALIFORNIA 380 Valley Drive Brisbane CALIFORNIA 94005
	(LAST LISTED OWNER) Bebe Studio, Inc. CORPORATION CALIFORNIA 10345 W. Olympic Blvd. Los Angeles CALIFORNIA 90064
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Larry Smith
<b>Prior Registrations</b>	1652462;1992129
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110928.
<b>Renewal</b>	1ST RENEWAL 20110928
<b>Live/Dead Indicator</b>	LIVE

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**Record 1 out of 1**[TSDR](#)[ASSIGN Status](#)[TTAB Status](#)*( Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing**

<b>Word Mark</b>	BEBE
<b>Translations</b>	The English translation of "BEBE" is "queen of hearts".
<b>Goods and Services</b>	IC 014. US 002 027 028 050. G & S: JEWELRY, NAMELY, EARRINGS, RINGS, NECKLACES, PENDANTS, AND BRACELETS. FIRST USE: 19760700. FIRST USE IN COMMERCE: 19761000
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75523565
<b>Filing Date</b>	July 22, 1998
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	December 21, 1999
<b>Registration Number</b>	<b>2328170</b>
<b>Registration Date</b>	March 14, 2000
<b>Owner</b>	(REGISTRANT) bebe stores, inc. CORPORATION CALIFORNIA 380 Valley Drive Brisbane CALIFORNIA 94005  (LAST LISTED OWNER) bebe studio, inc. CORPORATION CALIFORNIA 400 Valley Drive Brisbane CALIFORNIA 94005
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	LARRY SMITH
<b>Prior Registrations</b>	1652462;1950771
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20100219.

**Renewal** 1ST RENEWAL 20100219  
**Live/Dead Indicator** LIVE

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# EXHIBIT 8



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<b>Word Mark</b>	BEBE
<b>Goods and Services</b>	IC 009. US 021 023 026 036 038. G & S: eyewear. FIRST USE: 19961215. FIRST USE IN COMMERCE: 19961215
<b>Mark Drawing Code</b>	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
<b>Serial Number</b>	75435752
<b>Filing Date</b>	February 17, 1998
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	August 10, 1999
<b>Registration Number</b>	2289914
<b>Registration Date</b>	November 2, 1999
<b>Owner</b>	(REGISTRANT) BEBE STORES CORPORATION CALIFORNIA 400 Valley Drive Brisbane CALIFORNIA 94005  (LAST LISTED OWNER) BEBE STUDIO, INC. CORPORATION CALIFORNIA 10345 West Olympic Blvd. Los Angeles CALIFORNIA 90064
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Larry Smith
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR).
<b>Live/Dead Indicator</b>	LIVE

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